

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CITY OF SYRACUSE, NY, et al.,	:	No. 1:20-CV-06885-GHW
	:	
Plaintiffs,	:	
	:	
v.	:	DECLARATION OF AARON
	:	ESTY IN SUPPORT OF
BUREAU OF ALCOHOL, TOBACCO,	:	PLAINTIFFS' MOTION
FIREARMS AND EXPLOSIVES, et al.,	:	FOR SUMMARY
	:	JUDGMENT
	:	
Defendants.	:	
	:	
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I, Aaron Esty, subject to penalty of perjury under 28 U.S.C. § 1746, declare as follows:

1. I am over the age of 18 and have personal knowledge of all the facts stated in this declaration.

2. I am counsel with Everytown Law and counsel of record for all Plaintiffs in this matter.

3. Attached as Exhibit 1 are photographs I took on September 24, 2019, of pages of Webster's Third New International Dictionary of the English Language Unabridged (1965). The exhibit shows, in sequence, the cover page to Volume I, the definition of "design", the definition of "convert," and the definition of "readily."

4. Attached as Exhibit 2 is a true and correct copy of a webpage on the official website of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF")

titled “Fact Sheet – Firearms and Ammunition Technology Division,” downloaded on November 18, 2020.

5. Attached as Exhibit 3 is a true and correct copy of a webpage on the ATF official website titled “Can functioning firearms made from receiver blanks be traced?” downloaded on November 20, 2020.

6. Attached as Exhibit 4 is a true and correct copy of a letter dated December 13, 2020 from the Department of Justice Mail Referral Unit addressed to Eric Tirschwell, Everytown Law, confirming receipt of a “letter dated December 11, 2019,” and I know that “letter” to have been a petition for rulemaking addressed to the Department of Justice and ATF which is included in the Administrative Record. ATF0366-88. On April 30, 2020, Eric Tirschwell emailed a follow-up letter—on which I was cc’ed—about the petition for rulemaking to ATF Chief Counsel Joel Roessner and ATF Associate Chief Counsel Barry Orlow. This letter is included in the Administrative Record. *See* ATF0389-91.

7. Attached as Exhibit 5 is a true and correct copy of a webpage transcript from the CBS News 60 Minutes website of a segment that aired on national television on May 10, 2020, titled “Ghost Guns: The Build-It-Yourself Firearms that Skirt Most Federal Gun Laws and are Virtually Untraceable,” downloaded on November 18, 2020 (reporting that, Thomas Chittum, ATF’s Assistant Director of Field Operations, stated that the use of ghost guns in crimes is “increasing significantly and rapidly,” and also reporting that Los Angeles County Sheriff Alex Villanueva stated that, over the previous year, the number of ghost gun recoveries turning up in Los Angeles

County law enforcement investigations had increased by 50%). The video of the segment is available at this URL: <https://www.cbsnews.com/news/ghost-guns-untraceable-weapons-criminal-cases-60-minutes-2020-05-10/>. At approximately 4:54 into the video, Los Angeles County Sheriff Alex Villanueva confirms a high school student at Saugus High School in Santa Clarita, California, used a “ghost gun” in a shooting at the high school.

8. Attached as Exhibit 6 are true and correct copies of the following webpage articles, downloaded on November 18, 2020:

- a. The Trace, “Ghost Guns Are Everywhere in California,” May 17, 2019, (reporting that, in May 2019, California ATF spokespeople stated that unserialized weapons now constitute as much as 30% of all crime guns recovered by federal agents in the state);
- b. WAVY.com, “Demand increasing for ghost guns, ATF says,” July 2, 2020, (reporting that, in the summer of 2020, James VanVliet, the Acting Assistant Special Agent in Charge of ATF’s office covering Virginia, Washington, D.C., and seven counties in West Virginia, stated that “we are seeing more privately made firearms recovered at crimes in the last 2 to 3 years”);
- c. KETV.com, “Untraceable ‘ghost gun’ trend growing nationwide, showing up in Omaha,” July 1, 2020, (reporting that the Public Information Officer for ATF’s Kansas City Field Division stated in the summer of 2020 that at least 50 homemade guns had been recovered in the Midwest, adding that “I’m certain that we’ll see more recovered here”).

9. Attached as Exhibit 7 is a true and correct copy of the Complaint for Violations of the Consumer Protection Procedures Act filed by the District of Columbia in *District of Columbia v. Polymer80, Inc.*, No. 2020 CA 002878 B (D.C. Super. Ct. June 24, 2020) and downloaded from the D.C. Superior Court’s eAccess System on November 6, 2020.

10. Attached as Exhibit 8 is a true and correct copy of the Criminal Complaint filed in *United States v. Carrillo*, No. 20-CR-00265 (N.D. Cal. June 16, 2020), downloaded from PACER on November 18, 2020.

11. I have reviewed more than one hundred incidents described in news reports and filings in federal and state criminal prosecutions in which the news source or law enforcement officers or prosecutors represented that unserialized homemade firearms—or ghost guns—were recovered in connection with a criminal incident including shootings, unlawful weapons possession, and other crimes. Those incidents included the following federal criminal cases in which federal law enforcement officers or prosecutors documented the recovery of ghost guns:

- a. Criminal Complaint, *United States v. Savangsy*, No. 19-CR-00041 (E.D. Cal. Jan. 24, 2019) (documenting that, in 2018 and early 2019, ATF undercover officers purchased at least three Polymer80 pistols, along with several unserialized AR-15s and a number of other firearms, from a Sacramento gun trafficker);
- b. Criminal Complaint, *United States v. Moore*, No. 20-CR-00187 (N.D. Cal. Apr. 21, 2020) (documenting that, in March 2020, a known gang member with felony convictions for attempted armed robbery and intentionally discharging a firearm to cause great bodily injury was arrested in Oakland, California, with a Polymer80 ghost gun concealed under his waistband);
- c. Letter from Paul Riley, Assistant United States Attorney, *United States v. Wiggins*, No. 19-CR-00142 (D. Md. Mar. 13, 2020) (documenting that, in November 2018, law enforcement officers arrested the defendant, a convicted felon, in Baltimore, Maryland, in possession of a Polymer80 pistol with no serial number that the defendant had used in the course of at least 10 armed robberies of banks and liquor and convenience stores in the greater Baltimore area);
- d. Criminal Complaint, *United States v. McCarthy*, No. 20-CR-10191 (D. Mass. Aug. 5, 2020) (documenting that a Connecticut man dealt

firearms without a license, selling an undercover officer in Massachusetts two “Privately Made” firearms and disclosing that the man had purchased Polymer80 building kits from an online seller of Polymer80 unfinished frames);

- e. Criminal Complaint, *United States v. Baxter*, No. 20-CR-00149 (D. Wyo. Sept. 10, 2020) (documenting that, in September 2020, Cheyenne, Wyoming police discovered two Polymer80 pistols during the search of the residence of a convicted felon and that the felon later told police and an ATF officer that he had attempted to purchase a firearm in the summer of 2019, but was denied, and that he purchased the “Polymer 80 firearms and remaining firearm components” in November 2019 and test-fired the firearms in his basement);
- f. Criminal Complaint, *United States v. Zamora*, No. 20-CR-00140 (E.D. Cal. Aug. 17, 2020) (documenting that, in August 2020, detectives in the Fresno, California, Police Department found “an AR style, semi-automatic, pistol grip handgun with no markings or serial number, commonly referred to as a ‘ghost gun,’” in the vehicle of convicted felon);
- g. Plea Agreement, *United States v. Cross*, No. 20-CR-00055 (S.D. Tex. Feb. 6, 2020) (documenting that, in February 2019, federal agents found “one self-manufactured .45 caliber pistol, and three AR styled self-manufactured rifles” at the Houston, Texas residence of a man with felony drug trafficking convictions);
- h. United States’ Opposition to Defendant’s May 1, 2020 Motion for Bail Review, *United States v. Villasenor*, No. 20-CR-00050 (E.D. Cal. May 5, 2020) (documenting that in November 2019, a California man subject to a domestic violence restraining order who federal prosecutors described as having “demonstrated a clear pattern of dangerous escalation” was found by police officers “in body armor, aiming a camouflaged, scoped rifle (that was mounted on a bipod) at the door as [police officers] entered” and stating that “[a]s with all other weapons [the defendant] acquired, this weapon was a ‘ghost gun,’ which he admitted to buying because they were meant for ‘people like me’ who were not legally allowed to own weapons”);
- i. Criminal Complaint, *United States v. Brasfield*, No. 20-CR-00035 (W.D. Wash. Feb. 25, 2020) (documenting that, in February 2019, federal agents searched the Edmonds, Washington residence of a man with eight felony convictions finding “approximately twenty eighty-percent pistol and rifle lower receivers/frames” and recovering

“approximately seventeen pistols and twenty-four rifles” most of which “did not have serial numbers and were home-manufactured” and which “appear[ed] to have been manufactured from the same type of eighty-percent lower receivers/frames that were recovered during the search.”);

- j. Superseding Indictment, *United States v. Collins, et al.*, No. 20-CR-00167 (E.D.N.C. Nov. 18, 2020) (documenting the neo-Nazi activities of the defendants and their conspiracy to manufacture at least three pistols, at least four AR-15 rifles, and at least two short barreled rifles).

12. On August 20 and 25, 2020, I visited the Polymer80.com website and took the screenshots attached as Exhibit 9. When I visited the homepage, I clicked on the icon displayed to the left of the text on page 2 of this exhibit stating “Is it legal?” and was brought to the webpage displayed on page 3 of this exhibit, which displayed the determination letter dated February 2015 from ATF to Jason Davis in which ATF classified a receiver as a non-firearm. That letter is included in the Administrative Record. *See* ATF0225-26. Page 4 of this exhibit shows a webpage hosted on the Polymer80.com website that displayed a letter from ATF to Jason Davis dated January 18, 2017 in which ATF classified a pistol frame as a non-firearm, a letter which is included in the Administrative Record. *See* ATF0253-59.

13. On November 19, 2020, I visited the Polymer80.com homepage and downloaded a true and correct copy of that homepage which is attached as Exhibit 10. On that date, I clicked on the text displayed near the bottom of the homepage which reads “ATF Determination Letter” and was brought to the webpage displaying three letters from ATF to Polymer80 classifying Polymer80 frames and receivers as non-firearms. These letters are included in the Administrative Record. *See* ATF0225-

26 (Feb. 18, 2015 letter); ATF0229-47 (Nov. 2, 2015 letter); ATF0253-59 (Jan. 18, 2017 letter).

14. On December 4, 2020, I visited Polymer80's page on Facebook.com and downloaded the following posts which are attached as Exhibit 11:

- a. September 13, 2015,
https://www.facebook.com/pg/Polymer80Inc/posts/?ref=page_internal;
- b. January 13, 2017,
https://www.facebook.com/pg/Polymer80Inc/posts/?ref=page_internal
(representing that Polymer80 was accepting preorders for the "PF940C Textured Frame and Jig");
- c. January 26, 2017,
https://www.facebook.com/pg/Polymer80Inc/posts/?ref=page_internal
(announcing that Polymer80 had "[j]ust uploaded . . . the ATF determination letter that deems the PF940C 80% Compact Pistol Frame NOT a firearm").

The photos included on the posts dated September 13, 2015 and January 13, 2017, display Polymer80 frames stamped with a "P80" insignia.

15. Attached as Exhibit 12 are true and correct copies of five webpages on the Polymer80.com website which I downloaded on December 7, 2020. Pages 2 and 3 of the exhibit print-outs of a webpage titled "FAQs" which includes the following text:

It is important to note that the G150 AR15 80% Receiver Kit, .308 80% Receiver Kit, & the PF940C™ 80% Pistol Frame Kits (<https://www.polymer80.com/CMSImages/ATF-DetLetters.pdf>) were classified by the Bureau of Alcohol, Tobacco, Firearms and Explosives as not falling within the federal definition of "firearm" or "frame or receiver." All other Polymer80 80% lower receivers are dimensional based on the designs classified by the Bureau of Alcohol, Tobacco, Firearms and Explosives as not being "firearms" or "frames or receivers," under federal law.

Pages 4 through 13 of Exhibit 12 are print-outs of four webpages offering for sale Polymer80 products with the following titles: “P80 G150AR-15 80% RECEIVER KIT – BLACK”; “308 80% LOWER RECEIVER AND JIG SYSTEM – BLACK”; PF940C™ 80% COMPACT PISTOL FRAME KIT – COBALT”; PF940V2™ 80% FULL SIZE FRAME KIT – GRAY.”

16. Attached as Exhibit 13 are true and correct copies of six webpages of businesses offering Polymer80 products for sale through their websites. Several of these sites include hyperlinks to letters issued by ATF to Polymer80 attorney Jason Davis, classifying Polymer80 products as non-firearms:

- a. LimitlessAmerica.com, “Polymer 80 PF940V2 Standard Buy Build Shoot – Flat Dark Earth,” downloaded on November 19, 2020.
- b. HooperGunWorks.com, “Polymer80 – PF940Cv1 80% Frame Textured for Glock 19/23/32,” downloaded on August 21, 2020. On August 21, 2020, I clicked on the text on the page which reads “<https://www.polymer80.com/media/wysiwyg/porto/LegalDocs/2017-01-PF940C-ATF-Determination-Letter-Approval.pdf>,” and was brought to a letter dated January 18, 2017 from ATF to Jason Davis that was hosted on the Polymer80 website. That letter is included in the Administrative Record. *See* ATF0253-59.
- c. 5DTactical.com, “80 Percent Glock 19 Compete Kit Polymer80 G19 Kit,” downloaded on November 9, 2020. On November 9, 2020, I clicked on the text on the page that reads, “Click here to view the ATF Determination Letter (<https://5dtactical.com/v/vspfiles/files/p80%20dertermination.pdf>),” and was brought to the page (of which I took a screenshot included in this exhibit) which displays a portion of a letter from ATF to Mr. Jason Davis dated November 2, 2015 classifying a Polymer80 product as a non-firearm. That letter is included in the Administrative Record. *See* ATF0229-47.
- d. ArmOrAlly.com, “Polymer80 – Arms or Ally – Add to Cart for Best Price!,” downloaded on August 21, 2020. On August 21, 2020, I linked on the text on a graphic on the page which reads “PF940C – ATF

Determination Letter Click to Download” and was brought to a letter dated January 18, 2017 from ATF to Jason Davis hosted on the Polymer80.com website classifying a Polymer80 product as a non-firearm. That letter is included in the Administrative Record. *See* ATF0253-59.

- e. Ceratac.com, “G19 Kit 80% - Compact - Unfinished,” downloaded on August 21, 2020. On August 21, 2020, I clicked on the text on that page which reads “Click Here to download the PF940C™ ATF Determination Letter” and was brought to a letter dated January 18, 2017 from ATF to Jason Davis hosted on the Polymer80 website classifying a Polymer80 product as a non-firearm. That letter is included in the Administrative Record. *See* ATF0253-59.
- f. MDXArms.com, “Polymer80 PF940v2™ 80% Textured Compact Pistol Frame Kit for Glock Gen3 17/34/24/35,” downloaded on August 21, 2020. On August 21, 2020, I clicked on the text on the page which reads “Click Here to download the PF940C™ ATF Determination Letter” and was brought to a letter dated January 18, 2017 from ATF to Jason Davis hosted on the Polymer80 website classifying a Polymer80 product as a non-firearm. That letter is included in the Administrative Record. *See* ATF0253-59.

17. Attached as Exhibit 14 are true and correct copies of print-outs and screenshots I made on November 6 and 9, 2020, of websites offering for sale unfinished frames or receivers or gun-building kits that hosted letters from ATF classifying products as non-firearms.

- a. A screenshot of a webpage BrokenArmory.com displays a portion of a letter from ATF to Broken Arms dated November 15, 2013.
- b. A screenshot of a webpage on BrokenArmory.com displays a portion of a letter from ATF to Broken Arms dated December 20, 2015.
- c. A screenshot of a webpage on 1911builders.com displays a portion of a letter from ATF to Mr. TJ Osman, dated September 15, 2017. This letter is included in the Administrative Record. *See* ATF 0411-14.
- d. A screenshot of a webpage on TacticalMachining.com displays a portion of a letter from ATF to Mr. James Jusick, Tactical Machining, LLC, dated June 12, 2014. This letter is included in the Administrative

Record. *See* ATF0314-20.

- e. A print-out of a webpage on tnarmsco.com titled “80% Receiver Blank (Blank Only)” displays a letter from ATF dated September 1, 2016.
- f. A screenshot of a webpage on GlockStore.com displays a portion of a letter from ATF to Mark Barnes & Associates dated August 27, 2018.
- g. A printout of a webpage on AR-15lowerreceivers.com includes text which reads “The ATF Determination Letter is available here” which, on November 9, 2020, I clicked on and was brought to a webpage on GlockStore.com which hosted a letter from ATF to Mark Barnes & Associates dated August 27, 2018.

18. Attached as Exhibit 15 is a true and correct copy of the Government’s Opposition to Defendant’s Application for Review of Detention Order filed in *United States v. Ren Hung*, No. 20-CR-00452 (C.D. Cal. Oct. 29, 2020), downloaded from PACER on October 31, 2020. On page 9 of the memorandum in support of the motion, the following is stated: “Ghost guns are of particular concern to law enforcement because they are preferred by violent criminals who do not want their weapons traced back to them or their associates.”

19. On November 22, 2020, I visited 86 websites that offered for sale “80%” frames or receivers either alone or with other firearm parts or tools. A list of these 86 websites is attached as Exhibit 16.

20. Attached as Exhibit 17 are print-outs of websites that (i) include statements regarding ATF’s regulation of frames and receivers, and/or (ii) have hyperlinks to ATF’s official website hosting “QandAs” on “receiver blanks.”

- a. A webpage I downloaded on November 19, 2020, from ModulusArms.com titled “ATF Clarifies Previous Ruling Regarding 80% Lower Receiver Manufacturing Processes - Modulus Arms _ 80% Lower Receivers and 80 Lower Jigs” displays text which reads “ATF

Ruling 2015-1 Manufacturing [sic] and Gunsmithing” and when I clicked on this text on November 19, 2020, I was brought to a webpage hosted on ModulusArm.com which displayed ATF Ruling 2015-1 (Jan. 2, 2015). ATF Ruling 2015-1 is included in the Administrative Record. *See* ATF0290-95.

- b. A webpage I downloaded on November 19, 2020, from 80percentarms.com, titled “80 Lower Jigs” displays text stating “Jigs allow you to transform an 80 percent lower receiver, viewed by the ATF as an unregulated hunk of metal, into a fully functional AR15 receiver!” and when I clicked the portion of this text stating “ATF as an unregulated hunk of metal” I was brought to a webpage on the official ATF website, ATF.gov, titled “Are ‘80%’ or ‘unfinished’ receivers illegal?”.
- c. A webpage I downloaded on November 19, 2020, from jsdsupply.com, displays text which reads “80 percent lower receivers are parts manufactured just short of the legal definition of a firearm by the Bureau of Alcohol, Tobacco, and Firearms (ATF).”
- d. A webpage I downloaded on December 4, 2020, from 5Dtactical.com titled “80% Lower AR Receivers and Parts,” displays text which reads “Our AR-15 and AR-308 80% lower AR receivers can be shipped directly to your home because they are not considered firearms per the ATF’s definition.”
- e. A webpage I downloaded on November 20, 2020, from 80percentarms.com titled “California 80 Lower Laws & FAQs” which displays text which reads “From the ATF,” and was brought to a webpage on the official ATF website, ATF.gov, titled “Questions and Answers” with a URL of <https://www.atf.gov/questions-and-answers>.
- f. A webpage I downloaded on November 20, 2020, from ThunderTactical.com titled “80 Lower Guide When Are Serial Numbers Necessary” which displays text which reads “According to ATF, the part of the rifle which controls shooting, or the fire control group, must be under 80% complete to not be considered a firearm.”
- g. A webpage I downloaded on December 8, 2020, from 80-lower.com titled “Are 80% Lowers Legal” displays text which reads “ATF has long held that items such as receiver blanks, ‘castings’ or ‘machined bodies’ in which the fire-control cavity area is completely solid and un-machined have not reached the ‘stage of manufacture’ which would result in the classification of a firearm according to the GCA. (Bureau

of Alcohol, Tobacco, and Firearms)” and when I clicked on the portion of the text which reads “(Bureau of Alcohol, Tobacco, and Firearms)” I was brought to a webpage on the official website of the ATF, ATF.gov, titled “Are ‘80%’ or ‘unfinished’ receivers illegal?” with a URL of <https://www.atf.gov/firearms/qa/are-%E2%80%9C80%E2%80%9D-or-%E2%80%9Cunfinished%E2%80%9D-receivers-illegal>.

- h. A webpage I downloaded on November 20, 2020, from AmericanMadeTactical.com titled “ATF Answers Some Common Questions About 80% Lower Receivers” displays text which reads “Check out the article directly form the ATF, here” which I clicked on and was brought to a webpage on the official website of the ATF, ATF.gov, titled “Receiver Blanks,” with a URL of <https://www.atf.gov/qa-category/receiver-blanks?destination=qa-category/receiver-blanks>

21. Attached as Exhibit 18 are true and correct copies of print-outs of webpages that I downloaded in November 2020 and which offer for sale firearm frames and receivers or firearm building kits: the homepage of 80percentarms; the homepage of jsduppply.com; a webpage titled “80% Build Kits” on 5DTactical.com; a webpage titled “Polymer 80 PF940V2 Standard Buy Build Shoot – Flat Dark Earth” webpage on LimitlessAmerica.com”; a webpage titled “1991s Complete Build Kit” on 1776supplyco.com.

22. Attached as Exhibit 19 are true and correct copies of print-outs of webpages that I downloaded in November 2020 that use the term “80%”: the homepage of 80percentarms.com; a webpage titled “80% Build Kits” on 5DTactical.com; a webpage titled “80% Lowers & Frames” on DeltaTeamTactical.com; the homepage of LimitlessAmerica.com; the homepage of 80lowerjig.com; the homepage of 80-lower.com.

23. Attached as Exhibit 20 are true and correct copies of print-outs of the following webpages that I downloaded from Polymer80.com in November 2020: a webpage titled “Polymer80 BBS™ Kits”; a webpage titled “How-To Manuals”; a webpage titled “PF940SC™ Pistol Frames, 80% Instructions”; a webpage titled “Warrhogg 308 AR 80% Lower Receiver Instructions.”

24. Attached as Exhibit 21 are true and correct copies of print-outs of the following webpages offering a “jig” for sale, which I downloaded on November 19, 2020: a webpage titled “80 Lower Jigs” on 80percentarms; a webpage titled “80% AR 15 Jig” on jsdsupply.com; a webpage titled “80% Lower Jig Kit” on tacticalmachining.com; a webpage titled “80% Lower Jigs, Jig Parts & Conversion Kits” on 5DTactical.com; a webpage titled “United Defense AR-15 80% Jig” on DavidsonDefense.com; a webpage titled the “Router Jig Extreme Universal 80% Lower Jig” on ModulusArms.com; a webpage titled “AR-15 80% Lower Receiver Black Jig Kit” on ThunderTactical.com.

25. Attached as Exhibit 22 are true and correct copies of print-outs of the following webpages offering drill parts for sale, which I downloaded in November 2020: a webpage titled “5D Tactical Ready Mill Tool Kit” on jsdsupply.com; a webpage titled “80% AR-15 Router Tooling” on tacticalmachining.com; a webpage titled “80% Lower Jig Tools” on 5DTactical.com; a webpage titled “AR15 80% Receiver w Drilling Jig *New Model Presale*” on tnarmsco.com.

26. Attached as Exhibit 23 are true and correct copies of print-outs of the following webpages:

- a. GhostGuns.com, “AKM AK47 Complete Parts Kit with Populated Barrel,” downloaded on November 19, 2020 (including text on page 2 of the exhibit which reads “one of the simplest processes to date. Without the use of a press, you can now build with ease and not spend a ton of money on the tooling needed”);
- b. 80percentarms.com, Homepage, downloaded on November 24, 2020 (including text on page 6 of the exhibit stating that a jig offered for sale “makes it ridiculously easy for a non-machinist to finish their 80% lower in under 1 hour with no drill press required”);
- c. jsdsupply.com, homepage, downloaded on November 19, 2020 (including text on page 9 of the exhibit that states “If you’re handy with simple tools and can follow basic instructions, you can turn an 80 lower receiver into an effective and reliable firearm with a few hours of work”);
- d. 5Dtactical.com, “80% Lower AR Receivers and Parts,” downloaded on December 4, 2020 (including text on page 14 of the exhibit stating that “AR-15 and AR-308 lower AR receivers” “require some basic machining and drilling which can easily be completed in 45 minutes or less with our innovative AR-15 and AR-308 Router Jigs”);
- e. StealthArms.net, “1911 Phantom Jig,” downloaded on November 19, 2020 (including text on page 19 of the exhibit stating that “Stealth Arms has made it dummy proof to complete an 1911 80% frame WITHOUT the need for a milling machine!”);
- f. ModulusArms.com, “Router Jig Extreme Universal 80% Lower Jig,” downloaded on November 19, 2020 (including text stating “The fastest 80% Lower jig on the market, capable of finishing an AR-15 80% lower in a record setting sub 45 minute time”);
- g. 5DTactical.com, “Router Jig Pro Multiplatform – AR-15/AR-9/AR-45/.308/AR-10,” downloaded on November 19, 2020 (including text on page 29 of the exhibit stating “In testing, we were able to finish an AR-15 80% lower including jig assembly, in under 15 minutes with excellent results”);
- h. RBTacticalTooling.com, “About,” downloaded on November 19, 2020 (including text on page 33 of the exhibit stating “By the ATF’s legal definition an 80% lower receiver is NOT a gun, as it is not a functional piece of equipment. As such it is not required to have a government registered serial number attached to it. R&B Tactical Tooling

manufactures a tool kit that enables the average citizen to finish the remaining 20% of the machining process themselves. The finished product is a precision machined functional lower receiver with no serial number. If they don't know you have it, they can't take it");

- i. GunsAmerica.com, "How to Finish a Polymer 80 Glock Frame Kit – Full Review," downloaded on December 7, 2020 (including text on page 42 of the exhibit stating "finishing the Polymer 80 Compact lower frame kit was a lot of fun, and took surprisingly little time");
- j. HandgunsMag.com, "Brownells Polymer80 Kit for Glock Pistol Builds," downloaded on December 7, 2020 (including text on page 57 of the exhibit stating "Drilling and machining the frame took me 10 minutes, tops, and was shockingly simple. You'll spend far more time installing the parts into your frame and slide than you will drilling and grinding on the frame");
- k. Guns.com, "Gun Review: Building, Shooting the Polymer80 (Video)," downloaded on December 7, 2020 (including text on page 60 of the exhibit stating "I'm by no means a 'handy' or 'crafty' individual but I was able to successfully complete a P80 frame in under 30 minutes");
- l. un12magazine.com, "Completing a Polymer80 Pistol Frame," downloaded on December 7, 2020 (including text on page 76 of the exhibit stating "the frame didn't present much difficulty to mill and assemble. We were able to complete the milling and build in about an hour and a half, including triple checking our work as we went along").

27. Attached as Exhibit 24 are true and correct copies of print-outs of the following webpages which I downloaded on November 19, 2020, which provide written or video instructions for machining or milling frames or receivers: 80percentarms, "EASY JIG, Gen 3, Multi-Platform User Manual," available at https://www.80percentarms.com/content/EPA_G3_MANUAL.pdf; 5DTactical.com, "Router Jig Pro Instructions"; 5DTactical.com; "AR-15 & AR-308 Router Jig Instructions R4.0," available at <https://www.5dtactical.com/v/vspfiles/files/AR-15%20%26%20AR-308%20Router%20Jig%20Instructions%20R4.0.pdf>;

tnarmsco.com, “80% Receivers”; BrokenArmory.com, Homepage; StealthArms.net, “1911 Phantom Jig”; StealthArms.net, “80% Lower Kit Drill Press Instructions,” available at <https://www.stealtharms.net/pub/media/AR-15-New-Drill-Press-Directions1.pdf>; MDXArms.com, “Polymer 80 How To.”

28. Attached as Exhibit 25 is a true and correct copy of the Declaration of Sharon Owens—Deputy Mayor of the City of Syracuse—dated December 9, 2020. This exhibit is referred to as “Owens Decl.” in Plaintiffs’ summary judgment filings.

29. Attached as Exhibit 26 is a true and correct copy of the Declaration of Doug Tran—Sergeant, San José Police Department—dated December 8, 2020. This exhibit is referred to as “Tran Decl.” in Plaintiffs’ summary judgment filings.

30. Attached as Exhibit 27 is a true and correct copy of the Declaration of Angela Weis—Senior Advisor for Public Safety in the Office of the Mayor of the City of Chicago—dated December 7, 2020. This exhibit is referred to as “Weis Decl.” in Plaintiffs’ summary judgment filings.

31. Attached as Exhibit 28 is a true and correct copy of the Declaration of Brendan Deenihan—Chief of Detectives, Chicago Police Department—dated December 9, 2020. This exhibit is referred to as “Deenihan Decl.” in Plaintiffs’ summary judgment filings.

32. Attached as Exhibit 29 is a true and correct copy of the Declaration of Rick J. Hines—Major, Columbia Police Department—dated December 8, 2020. This exhibit is referred to as “Hines Decl.” in Plaintiffs’ summary judgment filings.

33. Attached as Exhibit 30 is a true and correct copy of the Declaration of Nicholas Suplina—Managing Director of Law and Policy, Everytown for Gun Safety Action Fund—dated December 8, 2020. This exhibit is referred to as “Suplina Decl.” in Plaintiffs’ summary judgment filings.

34. Attached as Exhibit 31 is a true and correct copy of the Declaration of Mia Tretta—Member, Everytown for Gun Safety—dated November 23, 2020. This exhibit is referred to as “Tretta Decl.” in Plaintiffs’ summary judgment filings.

35. Attached as Exhibit 32 is a true and correct copy of the Declaration of Dr. Ted Miller—Principal Research Scientist, Pacific Institute of Research and Evaluation—dated December 9, 2020. This exhibit is referred to as “Miller Decl.” in Plaintiffs’ summary judgment filings.

36. Attached as Exhibit 33 is a true and correct copy of the Declaration of Joseph Bisbee—former ATF Agent—dated December 8, 2020. This exhibit is referred to as “Bisbee Decl.” in Plaintiffs’ summary judgment filings.

37. Attached as Exhibit 34 is a true and correct copy of the Declaration of Justin McFarlin dated December 8, 2020. This exhibit is referred to as “McFarlin Decl.” in Plaintiffs’ summary judgment filings.

38. On December 7, 2020, I visited the official website of the Federal Bureau of Investigation at this URL: <https://www.fbi.gov/file-repository/2019-nics-operations-report.pdf/view>. The document available for download on this webpage, a document titled “2019 NICS Operations Report,” included text on page 18 of the report stating “From the inception of the NICS on November 30, 1998, through

December 31, 2019, the NICS Section has denied 1,700,558 transactions. Of these, there were 103,592 denial decisions provided in 2019. Historically, and again in 2019, the leading reason for a NICS Section denial was 18 U.S.C. § 922(g)(1).”

39. On December 8, 2020, I visited archive.org—a “digital library” with “20+ years of web history”, see <https://archive.org/about/>—and searched for archived webpages of the URL <https://www.atf.gov/qa-category/receiver-blanks>, which displays the table of contents for the “Receiver Blanks” QandAs on ATF.gov. The earliest archived post for this URL is dated September 20, 2015. That archived post is available at <https://web.archive.org/web/20200920010438/https://www.atf.gov/qa-category/receiver-blanks>.

Dated: December 9, 2020
New York, NY

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